

INTERVIEW SUMMARY

A telephonic interview was held with Examiner Patel in April, to discuss the need for a supplemental declaration. Also present at the interview was Mr. Charles R. Macedo of the Amster firm, acting as in-house counsel for the assignee. Examiner Patel explained the need for a further supplemental declaration for the current claim configuration to add an additional error recitation relating to some operations being performed with respect to a first banking institution, and some operations being performed with respect to a second banking institution. Examiner Patel explained that he has always been very careful and continues to be very careful to make sure that everything is in order. The allegations of inequitable conduct in the litigation were discussed during the call. Examiner Patel said that he felt confident that he had considered all of the prior art and was not concerned with the issuance of the claims in light of this prior art. It was agreed that Applicants would file a further supplemental declaration.

A draft Supplemental Declaration was emailed to the Examiner on May 7, 2009 for review. The Examiner called the undersigned on May 9, 2009 to recommend certain language changes.

REMARKS

As noted above, independent claim 41 and dependent claims 43, 45, 46, 47, 48, 49, and 50 have been amended to add the word "single" to modify the deposit account, to conform the language describing the deposit account as a "single insured money market deposit account" in all recitations of the deposit account in the claims. Some of the recitations of the deposit account did not include the word "single." Likewise, amendments have been made to dependent claims 43, 45, 46, 48, 49, 50, 64, 65, 66, 67 and 68 to add the words "money market" to conform the language describing the deposit account as a "single insured money market deposit account" in all recitations of the deposit account in the claims. Some of the recitations of the deposit account did not include the words "money market."

Additionally, various possible antecedence issues are corrected in claims 32, 35, 41, 44, 45, 60, 83 and 86, as described above.

Pursuant to 37 C.F.R. 1.178(b), Applicants have provided information in a Litigation Notice related to the underlying U.S. Patent No. 6,374,231 and related patents on April 3, 2009. A further Litigation Notice pursuant to 37 C.F.R. 1.178(b), is provided in the Information Disclosure Statement filed herewith.

Note additionally, that two references submitted in the IDS filed on March 23, 2009, are being resubmitted, due to an arguably incorrect certification in that IDS.

Claims 32-50, 60-68, 83 and 86 were rejected under 35 USC 251 as having a defective reissue oath/declaration. The Advisory Action of March 25, 2009 further clarified that the supplemental declaration needs to include an error based on operations with respect to a first banking institution and a second banking institution, per page 3 of the Office Action. To obviate this rejection, a further Supplemental Declaration signed by the inventors is attached that includes such an error listing. Accordingly, it is requested that the rejection be reconsidered and withdrawn.

The examiner should be aware that the following co-pending patent applications disclosed in an IDS relate to similar kinds of products, although the claims are clearly patentably distinct, and some of these applications have received office actions:

10/825,440 filed 04-14-04 (03/25/09 Advisory Office Action rejection) (Present case)
09/677,535 filed 10-02-00 (07/22/08 Notice of Allowance –Proposed amendment filing –Petition to Withdraw to file IDS and Amendment – Dismissal of Petition – Petition refiled)
10/071,053 filed 02-08-02 (Issued as U.S. Patent No. 7, 519,551)
10/305,439 filed 11-26-02 (05/02/08 Response filed to non-final rejection)
11/149,278 filed 06-10-05 (12/19/08 Office Action rejection received)
10/382,946 filed 03-06-03 (To be issued as 7,536,350 on May 19, 2009)
10/411,650 filed 04-11-03 (Issued as US 7,509,286)
11/641,046 filed 12-19-06 (02/19/09 Office Action with rejection)
11/689,247 filed 03-21-07 (02/02/09 Office Action with rejection)
11/767,827 filed 06-25-07 (03/06/09 Office Action with rejection)
11/767,837 filed 06-25-07 (02/05/09 Office Action with rejection)
11/767,846 filed 06-26-07 (02/25/09 Office Action with rejection)
11/767,856 filed 06-25-07 (02/25/09 Office action with rejection)
11/840,064 filed 08-16-07 (10/15/08 Office Action with rejection)
11/840,060 filed 08-16-07 (Response filed 12/09/08 to Office Action with rejection)
11/840,052 filed 08-16-07 (Response filed 12/11/08 to Office Action with rejection)

11/932,762 filed 10-31-07 (Response filed 11/24/08 to Office Action with rejection)
12/271,705 filed 11-14-08 (03/20/09 Office action with rejection)
12/025,402 filed 02-04-08
12/340,026 filed 12-19-08
12/408,507 filed 03-20-09
12/408,511 filed 03-20-09
12/408,523 filed 03-20-09.

The examiner is invited to review these other co-pending applications as he deems appropriate.

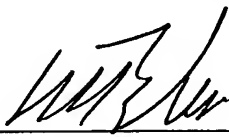
Applicant believes that the present application is now in condition for allowance.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any deficiency or credit any over-payment to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 5/12/09
FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By 
William T. Ellis
Attorney for Applicant
Registration No. 26,874